

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the Final Office Action dated July 9, 2008 but remains of the opinion that the patentable subject matter is present in this Application. Applicant respectfully requests reconsideration of the Examiner's position based on the above claim amendments and the following remarks.

Claims Status

Claims 21-28 are pending in this application. Claims 1-20 have been canceled.

Claim 21 is essentially a combination of old Claims 1, 2 and 3 without the specific recitation to the developing unit. The limitations concerning the developing unit are recited in Claims 24-26. Claim 22 presents the wherein clause of Claim 27 concerning the various modes of operation.

Claim 23 is essentially a combination of old Claims 8 and 9. Claim 27 is essentially old Claim 20 combined with Claims 2 and 3 without the processing means as recited in Claim 20. Processing means referred to as a processing unit can be found in Claim 28.

Respectfully, no new matter has been added by way of these amendments.

Prior Art Rejection

In the Office Action, the Examiner had rejected Claims 1, 3-7, 9-15 and 17-20 as being unpatentable over a combination of Shima and Brown; while Claims 2, 8 and 16 had been rejected as being unpatentable over a combination of Shima, Brown and Emote.

Some of the unique aspects of the present Invention are recited in the two "wherein" clauses which appear in the independent Claims 21 and 27. In the first "wherein" clause, the receiving controller temporarily stops the receiving process of the receiving buffer when the receiving buffer is full; and cancels the temporary stoppage and restarts the receiving process of the

receiving buffer when the free space in the receiving buffer exceeds predetermined value. In the second "wherein" clause, the write controller starts to transfer data from the receiving buffer into the auxiliary buffer when the free space in the receiving buffer has run out and stops the writing process when the free space in the receiving buffer is above a predetermined value. In the process of transferring data from the receiving buffer to the auxiliary storage device, the write controller destroys data which was previously written into the auxiliary device while, simultaneously, emptying the space in the receiving buffer during the writing process.

The Examiner has cited Shima, column 12, lines 46-67 and column 13, lines 1-8, to teach certain aspects of the receiving buffer and the auxiliary buffer. It is submitted that these passages in Shima do not teach resuming the writing in the receiving buffer when the free space in the receiving buffer has reached a predetermined value. In other words, Shima does not teach shifting from the receiving buffer to the auxiliary buffer and then back to the receiving buffer during the process of receiving data. At best, Shima simply teaches shifting from the receiving buffer to the auxiliary buffer, but not back again.

In view of the foregoing, it is respectfully submitted that the claims are patentable over the cited references taken alone or in combination.

Conclusion

In the view of forgoing it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Should any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are made and authorization is given to debit account No.02-2275

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas
Donald C. Lucas, Reg. #31,275
(Attorney for Applicants)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/mr